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Paper No. 7

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**COPY MAILED**

**AUG 29 2002**

**OFFICE OF PETITIONS**

In re Application of :  
Janesick :  
Application No. 10/035,405 : DECISION DISMISSING  
Filed: November 8, 2001 : PETITION UNDER 37 CFR  
Atty. Dkt. No.: 50047050-0003 : 1.47(b)  
For: MULTI-MODE IMAGER WITH PINNED :  
PHOTO REGION PHOTORECEPTORS :

This decision is in response to the petition under 37 CFR  
1.47(b), filed July 8, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of  
this decision to reply, correcting the below-noted deficiencies.  
Any reply should be entitled "Request for Reconsideration of  
Petition Under 37 CFR 1.47(b)," and should only address the  
deficiencies noted below, except that the reply may include an  
oath or declaration executed by the non-signing inventor. Failure  
to respond will result in abandonment of the application. Any  
extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed November 8, 2001  
without an executed oath or declaration and naming James Janesick  
as sole inventor. Accordingly, on February 6, 2002, a "Notice to  
File Missing Parts of Nonprovisional Application" was mailed,  
requiring an executed oath or declaration and surcharge.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof  
that the non-signing inventor cannot be reached or refuses to  
sign the oath or declaration after having been presented with the  
application papers (specification, claims and drawings); (2) an  
acceptable oath or declaration in compliance with 35 U.S.C. §§  
115 and 116; (3) the petition fee; (4) a statement of the last  
known address of the non-signing inventor; (5) proof of  
proprietary interest; and (6) a showing that such action is  
required to preserve the rights of the parties or to prevent  
irreparable damages.

The instant petition lacks requirements (4) and (6) above.

As to item (4), the instant petition fails to set forth the last  
known address of the non-signing inventor.

As to item (6), the instant petition fails to provide any  
indication that status under Rule 47 is necessary to preserve the  
rights of any particular party or to prevent irreparable damages  
to any particular party.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn.: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.



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for Patent Examination Policy